

JUN 07 2006

FACSIMILE TRANSMITTAL FORM	Application Number	09/966557
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	Filing Date	September 27, 2001
	First Named Inventor	Allen, Richard C.
	Examiner Name	Joshua L. Pritchett
Fax: 571-273-8300	Attorney Docket Number	55871US002
Total Number of Pages in This Submission: 6		
Date: June 7, 2006	Attorney for Applicant: Anna A. Kobilansky	

ENCLOSURES (check all that apply)		
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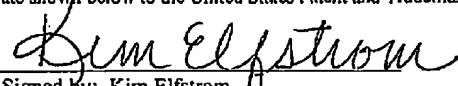
Patent
Case No.: 55871US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: ALLEN CONFIRM No.: 4597
Application No.: 09/966,557 Group Art Unit: 2872
Filed: SEPTEMBER 27, 2001 Examiner: PRITCHETT, JOSHUA
Title: POLARIZATION ROTATORS, ARTICLES CONTAINING THE
POLARIZATION ROTATORS, AND METHODS OF MAKING
AND USING THE SAME

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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June 7, 2006	
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Dear Sir:

Applicants submit that the Examiner's rejections contain at least the following clear errors and/or omissions.

Claims 1-4, 8, 9, 13, 17, 18 and 21-26 stand rejected as anticipated by Yamamoto (U.S. 6,002,460). As is well known to patent professionals, a cited reference must disclose each and every claimed element in order to be considered as anticipating the claimed invention. The Examiner has failed to meet this requirement. In particular, the Examiner has failed to address each and every claimed element and has failed to provide information as to where the claimed elements are disclosed by the cited reference.

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A clear error can be found in the Examiner's treatment of independent claim 18. While the Examiner included claim 18 in the summary statement regarding the rejection, the Examiner has failed to specifically address claim 18 in his comments or demonstrate that Yamamoto discloses each and every element recited in claim 18.

In particular, independent claim 18 requires inclusion of "a retarder element disposed in the film and configured and arranged to convert the polarization of the light from the first circular polarization to a first linear polarization having a polarization axis". The Examiner has failed to show that Yamamoto discloses this claimed element. This is a clear error made by the Examiner, as the Examiner has not correctly established an anticipation rejection with respect to at least independent claim 18. Indeed, the Examiner can not properly establish an anticipation rejection with respect to the claimed invention as Yamamoto does not, in fact, anticipate the claimed invention.

Another clear error can be found in the Examiner's treatment of independent claim 21. While the Examiner included claim 21 in the summary statement regarding the rejection, the Examiner has failed to specifically address claim 21 in his comments or to demonstrate that Yamamoto discloses each and every element recited in claim 21.

In particular, independent claim 21 recites a display that requires a liquid crystal cell, a light source, and a film that is disposed between the liquid crystal cell and the light source. The film includes both a polarizer element and a polarization rotator element that is disposed within the film. The Examiner has failed to show that Yamamoto discloses these claimed elements. This is a clear error made by the Examiner, as the Examiner has not correctly established an anticipation rejection with respect to at least independent claim 21. Indeed, the Examiner can not properly establish an anticipation rejection with respect to the claimed invention as Yamamoto does not, in fact, anticipate the claimed invention.

Yamamoto describes a liquid crystal display that includes a liquid crystal layer sandwiched between two layers of glass. This is, as will be recognized by one of ordinary skill in the art, a liquid crystal display. The claimed invention requires both a liquid crystal cell and a film including, in part, a polarization rotator element disposed therein. With respect to claim 1, the Examiner has previously asserted that element (12) is equivalent to the claimed polarization rotator element. However, it is noted that element (12) is actually part of a liquid crystal display.

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If the Examiner persists in asserting that element (12) is equivalent to the claimed polarization rotator element, it is respectfully pointed out that Yamamoto could not be considered as disclosing the claimed invention because the liquid crystal cell would be missing. The Examiner has attempted to account for this (see the Advisory Action mailed May 22, 2006) by asserting that Yamamoto describes a covering for a liquid crystal display and points to light (23) for support.

This is not correct, as element (23) is clearly described (see column 5, line 11) as a backlight. A backlight, as known to those of skill in the art, supplies light to a liquid crystal display such as the liquid crystal display clearly shown by Yamamoto. One of skill in the art will recognize that Yamamoto discloses a liquid crystal display that receives light from a backlight. Yamamoto does not describe a covering for a liquid crystal display, despite the Examiner's incorrect assertions to the contrary.

Therefore, Yamamoto cannot be considered as describing a display that requires a liquid crystal cell, a light source, and a film that is disposed between the liquid crystal cell and the light source. The film includes both a polarizer element and a polarization rotator element that is disposed within the film. The Examiner has failed to show that Yamamoto discloses these claimed elements. This is a clear error made by the Examiner, as the Examiner has not correctly established an anticipation rejection with respect to at least independent claim 21.

Yet another clear error can be seen in the Examiner's treatment of the pending claims in general. As clearly recited in the claims, the claimed invention is directed to a film (claims 1 and 18) or a display (claim 21) that includes a film. As previously argued by Appellant, one of ordinary skill in the art, having read and understood the instant application, would understand what is intended by the word "film".

One of skill in the art will recognize that a film is considered to be flexible. One of skill in the art will recognize that a film is frequently considered to be polymeric. A film may frequently be processed via roll-to-roll processing. Yamamoto's construct including a liquid crystal layer disposed between two significant layers of glass cannot be considered to be a film.

The word "film" is a term of art, and should be interpreted as such. See, for example, M.P.E.P. § 2110.01(II). It is not proper for the Examiner to insert their own definitions to suit their own agenda when a particular term has a clearly delineated definition in the art in which the

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invention is to be practiced. This is another clear error made by the Examiner and pertains to every pending claim.

Claims 5, 14, and 15 stand rejected as unpatentable over Yamamoto (U.S. 6,002,460) in view of Hansen (U.S. 5,986,730). Favorable reconsideration is respectfully requested as Hansen is not believed to remedy the significant noted shortcomings of Yamamoto by providing either the missing claimed elements and/or the required motivation to modify Yamamoto to arrive at the claimed invention.

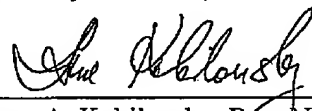
Claims 6, 7 and 10-12 stand rejected as unpatentable over Yamamoto (U.S. 6,002,460) in view of Shingaki (EP 0 487 047). Favorable reconsideration is respectfully requested as Shingaki is not believed to remedy the significant noted shortcomings of Yamamoto by providing either the missing claimed elements and/or the required motivation to modify Yamamoto to arrive at the claimed invention.

Claims 16 and 19 are rejected under 35 U.S.C. § 103(a) over Yamamoto (U.S. 6,002,460). As noted above, Yamamoto fails to disclose significant elements of claims 1 and 18, from which claims 16 and 19 depend, respectively.

Respectfully submitted,

June 7, 2006
Date

By:



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